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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,852	12/30/2003	Timothy D. Mahoney	H0005558 - - 1180	9425
128	7590	11/03/2005	EXAMINER	
HONEYWELL INTERNATIONAL INC. 101 COLUMBIA ROAD P O BOX 2245 MORRISTOWN, NJ 07962-2245			CASAREGOLA, LOUIS J	
			ART UNIT	PAPER NUMBER
			3746	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/749,852

Applicant(s)

MAHONEY ET AL.

Examiner

Louis J. Casaregola

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final:
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-45 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Redundant Claims

This application contains a significant number of redundant claim sets, i.e. claims having identical wording and the same parent claim. The redundant claim sets include claims 9, 21 and 33; claims 19 and 31; claims 20 and 32; claims 22 and 34; etc. – this list is merely exemplary and not exhaustive. It appears that the redundant claims may be the result of inadvertent errors in the chain of claim dependency. Applicants are consequently advised to completely review the present claim set and cancel or amend all redundant claims.

Restriction Requirement

Restriction to one of the following inventions is required under 35 USC 121:

I. Claims 1-44 drawn to a variable guide vane system and engine with that system classified in Class 60, subclass 39.23, and

II. Claim 45 drawn to an engine controller classified in Class 60, subclass 39.27.

The inventions of Groups I and II above constitute a combination and subcombination. These inventions are distinct because the combination of Group I does not necessarily require all significant details of the subcombination of Group II. The Group I guide vane system, for example, does not require the inclusion of a fuel control with a

thrust request input signal as specified in the Group II engine controller. Furthermore, the Group II engine controller has separate utility and could be used in combination with alternative guide vane systems such as, for example, systems that employ hydraulic or pneumatic actuators rather than the electric motors specified in the Group I system.

Because these inventions are distinct for the reasons given above and require separate classification and or divergent fields of search, restriction for examination purposes as indicated is proper.

Applicants are advised that even in the event that the restriction requirement is traversed, the response to this requirement to be complete must include an election of the invention to be examined.

In the event that the Group I combination is elected, further election of individual species is required.

Species Election

This application encompasses multiple species of the inventive subject matter. There are three alternative guide vane actuation arrangements as shown respectively in Figures 5, 6 and 7, and there are two alternative electric motor types, brushless DC or AC induction, as described on page 10. Pursuant to 35 USC 121, applicants are required for a complete response to elect a single disclosed species by selecting one of

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the three alternative actuation arrangements and by further selecting one of the two alternative motor types. The combination of the selected actuation arrangement and the selected motor type will constitute the elected species. Applicants are additionally required to list all claims readable on the elected species including any claims subsequently added (MPEP 809.02(a)).

None of the present claims appear to be generic to all species.

Applicants are further advised that a mere argument alleging that a generic claim exists or is allowable will not satisfy a species election requirement. For a complete response, applicants must elect a single species and list the claims readable on that species as set forth above.

It is additionally pointed out that because of the above noted problem with redundant claims, the present restriction requirement is not suitable for election by telephone and the option of a telephone election has consequently not been offered.

L. J. Casaregola
571-272-4826 (M-F; 7:30-4:00)
571-273-8300 FAX
October 31, 2005


LOUIS J. CASAREGOLA
PRIMARY EXAMINER

If repeated attempts to reach the examiner by telephone are unsuccessful, the art unit supervisor, Timothy Thorpe, can be reached at 571-272-4444.

Information regarding the status of this application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR, and status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).